

DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)

AGENCY PLAN: STATEMENT OF PURPOSE, GOALS AND BUDGET SUMMARY

STATEMENT OF PURPOSE:

The Department of Administrative Hearings will help support the Mayor's initiative to create a cleaner city by establishing an efficient and cost-effective manner to adjudicate cases in an impartial and independent forum.

AGENCY GOALS:

1. Adjudicate unlimited numbers of blight code violations issued by authorized City agents.
2. Streamline adjudication of code violations by providing administrative hearings.
3. Enhance collectibility of fines and fees, through garnishments and liens utilizing the Department's decisions and orders.
4. Adjudicate violations with sensitivity to their impact on the escalating problem of blight in Detroit.

AGENCY FINANCIAL SUMMARY:

2005-06 <u>Requested</u>		2004-05 <u>Budget</u>	2005-06 <u>Recommended</u>	Increase (Decrease)
\$ 2,702,708	City Appropriations	\$ 2,321,167	\$ 2,535,851	\$ 214,684
\$ 2,702,708	Total Appropriations	\$ 2,321,167	\$ 2,535,851	\$ 214,684
\$ 1,444,000	City Revenues	\$ 579,190	\$ 1,644,000	\$ 1,064,810
\$ 1,444,000	Total Revenues	\$ 579,190	\$ 1,644,000	\$ 1,064,810
\$ 1,258,708	NET TAX COST:	\$ 1,741,977	\$ 891,851	\$ (850,126)

AGENCY EMPLOYEE STATISTICS:

2005-06 <u>Requested</u>		2004-05 <u>Budget</u>	04-01-05 <u>Actual</u>	2005-06 <u>Recommended</u>	Increase (Decrease)
<u>6</u>	City Positions	<u>6</u>	<u>4</u>	<u>6</u>	<u>0</u>
6	Total Positions	6	4	6	0

ACTIVITIES IN THIS AGENCY:

	2004-05 <u>Budget</u>	2005-06 <u>Recommended</u>	Increase (Decrease)
Blight Violation Adjudication	\$ 2,321,167	\$ 2,535,851	\$ 214,684
Total Appropriations	\$ 2,321,167	\$ 2,535,851	\$ 214,684

DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)

DEPARTMENT OF ADMINISTRATIVE HEARINGS ACTIVITY INFORMATION

ACTIVITY DESCRIPTION: BLIGHT VIOLATIONS ADJUDICATION

The Department of Administrative Hearings (DAH) incorporates the Municipal Ordinance Violations Bureau's (MOVB) collection process into its system, thereby establishing new procedures for the administration, adjudication and collection of blight violations into one framework. The Zoning, Environmental, and Property Maintenance branches of the MOVB are now adjudicated under the Department of Administrative Hearings. The DAH will assess civil fines and costs pursuant to the schedules of violations for the Blight Ordinances. Under the DAH, violation notices will contain hearing dates, so no separate citation will be generated, and hearings will yield Decisions and Orders with which a defendant must comply or appeal to the 3rd Circuit Court of Michigan.

MAJOR INITIATIVES FOR FY 2004-05 and FY 2005-06:

- The DAH opened its doors in January 2005 at 561 E. Jefferson.
- Various functions associated with blight violation issuance, processing, and docketing will be integrated into a unified and comprehensive user-oriented ticket processing system, under the responsibility of a vendor, starting July 1, 2005.
- The City intends for inspectors and police officers to eventually generate violation notices electronically in the field using laptops or handheld ticket writing devices with portable printers.
- The total volume of violations is not known. Based on the activities of the three DAH divisions, the total volume of blight violation notices projected in the first full year under the new system is roughly 70,000. The total is expected to decrease in subsequent years, as the deterrence effects begin to accrue throughout the city. Fines and revenues are recorded for solid waste/illegal dumping in the DEA, and for zoning and property maintenance in B&SE.

PLANNING FOR THE FUTURE FY 2005-06, 2006-07 and BEYOND:

- Administrative procedures are implemented in order to increase the effectiveness of code enforcement. While the incentive to citizens is financial, the City's interest is not. The DAH is an impartial actor and not an advocate for code revision or for collection efforts. The DAH will have no connection with the investigation, presentation of the City's case, or post-hearing collection efforts of blight violations. Its tracking of compliance patterns will assist other City departments: what is the incidence of different types of violations, what is the recidivism rate, how many citizens contest each type of violation, how many decisions and orders are appealed to 3rd Circuit Court, how many are remanded to the DAH, etc.
- As initial evaluation occurs, more divisions may be added to the DAH in the model of the City of Chicago, which created the first unified municipal administrative adjudicatory system in 1997. The City of Chicago's Department of Administrative Hearings addressed quality of life offenses with the following Hearing Divisions: Buildings, Consumer Affairs, Environmental Safety, Municipal, Vehicles, and Community Service. Every year the department's administrative law officers preside over 400,000 cases, including tens of thousands of cases previously prosecuted in an overburdened state court system. Cases include general violations of the Municipal Code related to disorderly conduct, permits, public drinking, graffiti and vandalism, peddling, business license permits, public taxis and liveries, and consumer fraud and deception. More City of Detroit codes are already contemplated for decriminalization, according to careful study of program effectiveness here.

ADMINISTRATIVE HEARINGS (45)

BLIGHT VIOLATIONS ADJUDICATION MEASURES AND TARGETS

Type of Performance Measure:	2002-03	2003-04	2004-05	2005-06
List of Measures	Actual	Actual	Projection	Target
Outputs: Units of Activity directed toward Goals				
Number of zoning division violations heard	N/A	N/A	5,139	12,333
Number of environmental division violations heard	N/A	N/A	10,278	24,667
Number of property maintenance division violations heard	N/A	N/A	15,416	37,000
Average number of days between violation issuance and hearing date	N/A	N/A	30	30
Percent of Decisions and Orders appealed	N/A	N/A	1%	2%
Percent of Decisions and Orders overturned	N/A	N/A	0%	0%
Efficiency: Program Costs related to Units of Activity				
Percent of Orders in delinquency	N/A	N/A	50%	30%
Percent of cases that are no-show	N/A	N/A	40%	40%
Activity Costs	\$0	\$0	\$2,321,167	\$2,535,851

CITY OF DETROIT
Department of Administrative Hearings
Financial Detail by Appropriation and Organization

Administration	2004-05 Redbook		2005-06 Dept Final Request		2005-06 Mayor's Budget Rec	
	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
Blight Violation Adjudication						
<i>APPROPRIATION</i>						
<i>ORGANIZATION</i>						
11159 - Blight Violation Adjudication						
450010 - Administration	6	\$2,321,167	6	\$2,702,708	6	\$2,535,851
APPROPRIATION TOTAL	6	\$2,321,167	6	\$2,702,708	6	\$2,535,851
ACTIVITY TOTAL	6	\$2,321,167	6	\$2,702,708	6	\$2,535,851

CITY OF DETROIT
Budget Development for FY 2005-2006
Appropriations - Summary Objects

	2004-05 Redbook	2005-06 Dept Final Request	2005-06 Mayor's Budget Rec
AC0545 - Blight Violation Adjudication			
<i>A45000 - Department of Administrative Hearings</i>			
SALWAGESL - Salary & Wages	286,648	344,963	315,342
EMPBENESL - Employee Benefi	185,170	241,475	181,999
PROFSVCSL - Professional/Con	1,532,849	1,717,000	1,667,000
OPERSUPSL - Operating Suppli	50,000	10,000	10,000
OPERSVCSL - Operating Servic	210,000	366,270	341,510
CAPEQUPSL - Capital Equipmei	55,500	20,000	20,000
CAPOUTLSL - Capital Outlays/M	1,000	0	0
OTHEXPSSL - Other Expenses	0	3,000	0
<i>A45000 - Department of Administrative</i>	<i>2,321,167</i>	<i>2,702,708</i>	<i>2,535,851</i>
AC0545 - Blight Violation Adjudication	2,321,167	2,702,708	2,535,851
Grand Total	2,321,167	2,702,708	2,535,851

CITY OF DETROIT
Budget Development for FY 2005-2006
Appropriation Summary - Revenues

	2003-04 Actuals	2004-05 Redbook	2005-06 Dept Final Request	2005-06 Adopted Budget	Variance
A45000 - Department of Administrative Hearings					
<i>11159 - Blight Violation Adjudication</i>					
446100 - Administration Fee	0	579,190	1,036,000	1,036,000	456,810
448300 - Circuit Court Appeals Fee	0	0	0	18,500	18,500
448301 - Motion Fee	0	0	0	296,000	296,000
448302 - Subpoena Request Fee	0	0	0	92,500	92,500
449165 - Personal Services-Engineering	0	0	0	200,000	200,000
472150 - Other Miscellaneous	0	0	1,000	1,000	1,000
474100 - Miscellaneous Receipts	0	0	407,000	0	0
<i>11159 - Blight Violation Adjudication</i>	0	579,190	1,444,000	1,644,000	1,064,810
A45000 - Department of Administrative Hearings	0	579,190	1,444,000	1,644,000	1,064,810
Grand Total	0	579,190	1,444,000	1,644,000	1,064,810

CITY OF DETROIT
MAYOR'S 2005/2006 RECOMMENDED BUDGET

Department of Administrative Hearings

Appropriation	REDBOOK FY 2004	DEPT REQUEST	MAYORS FY 2005
Organization	2005 FTE	FY 2005 2006 FTE	2006 FTE
Classification			
11159 - Blight Violation Adjudication			
450010 - Administration			
Dir of Administrative Hearings	1	1	1
Mgr of Administrative Hearings	0	1	1
Principal Governmental Analyst	1	1	1
Executive Secretary II	1	1	0
Office Assistant III	2	2	2
Mgr of Administrative Hearings	1	0	0
Administrative Specialist I	0	0	1
Total Administration	6	6	6
Total Blight Violation Adjudication	6	6	6
Agency Total	6	6	6